

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 0015, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 33-4-1-20.1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20.1. (a) The judges of
5 the Elkhart circuit and superior courts may jointly appoint one (1)
6 full-time magistrate under IC 33-4-7 to serve the circuit and superior
7 courts.

8 ~~(b)~~ The magistrate **appointed under this subsection** continues in
9 office until removed by the judges of the circuit and superior courts

10 **(b) In addition to the magistrate appointed under subsection**
11 **(a), the judge of the Elkhart circuit court may appoint one (1)**
12 **full-time magistrate under IC 33-4-7 to serve the circuit court. The**
13 **magistrate appointed under this subsection continues in office until**
14 **removed by the judge of the circuit court."**

15 Page 1, between lines 11 and 12, begin a new paragraph and
16 insert:

17 "SECTION 3. IC 33-4-1-64 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. (a) The county of
19 Porter shall constitute the sixty-seventh judicial circuit.

20 **(b) The judge of the Porter circuit court may appoint one (1)**

1 **full-time magistrate under IC 33-4-7. The magistrate continues in**
 2 **office until removed by the judge."**

3 Page 2, delete lines 7 through 14, begin a new paragraph and
 4 insert:

5 "SECTION 5. IC 33-5-5.1-8 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The court may
 7 appoint such number of probate commissioners, juvenile referees,
 8 bailiffs, court reporters, probation officers, and such other personnel,
 9 including but not limited to an administrative officer, as shall in the
 10 opinion of the court be necessary to facilitate and transact the business
 11 of the court. In addition to the personnel authorized under this
 12 subsection and IC 31-31-3, the judges of the Allen superior court-civil
 13 division may jointly appoint not more than two (2) full-time magistrates
 14 under IC 33-4-7 to serve the Allen superior court-civil division. The
 15 judges of the Allen superior court-civil division may jointly assign any
 16 such magistrates the duties and powers of a probate commissioner. In
 17 addition to the personnel authorized under this subsection and
 18 IC 31-31-3, the judge of the Allen superior court-criminal division may
 19 jointly appoint not more than two (2) full-time magistrates under
 20 IC 33-4-7 to serve the Allen superior court-criminal division. Any such
 21 magistrate serves at the pleasure of, and continues in office until jointly
 22 removed by, the judges of the division that appointed the magistrate.
 23 All appointments made under this subsection shall be made without
 24 regard to the political affiliation of the appointees. **In addition to the**
 25 **personnel authorized under this subsection and IC 31-31-3, the**
 26 **judges of Allen superior court-family relations division may jointly**
 27 **appoint three (3) full-time magistrates under IC 33-4-7.** The salaries
 28 of the above personnel shall be fixed and paid as provided by law. If
 29 the salaries of any of the above personnel are not provided by law, the
 30 amount and time of payment of such salaries shall be fixed by the
 31 court, to be paid out of the county treasury by the county auditor, upon
 32 the order of the court, and be entered of record. The officers and
 33 persons so appointed shall perform such duties as are prescribed by the
 34 court. Any such administrative officer appointed by the court shall
 35 operate under the jurisdiction of the chief judge and shall serve at the
 36 pleasure of the chief judge. Any such probate commissioners,
 37 magistrates, juvenile referees, bailiffs, court reporters, probation
 38 officers, and other personnel appointed by the court shall serve at the

1 pleasure of the court.

2 (b) Any probate commissioner so appointed by the court may be
 3 vested by said court with all suitable powers for the handling and
 4 management of the probate and guardianship matters of the court,
 5 including the fixing of all bonds, the auditing of accounts of estates and
 6 guardianships and trusts, acceptance of reports, accounts, and
 7 settlements filed in said court, the appointment of personal
 8 representatives, guardians, and trustees, the probating of wills, the
 9 taking and hearing of evidence on or concerning such matters, or any
 10 other probate, guardianship, or trust matters in litigation before such
 11 court, the enforcement of court rules and regulations, the making of
 12 reports to the court concerning his doings in the above premises,
 13 including the taking and hearing of evidence together with such
 14 commissioner's findings and conclusions regarding the same, all of
 15 such matters, nevertheless, to be under the final jurisdiction and
 16 decision of the judges of said court.

17 (c) Any juvenile referee so appointed by the court may be vested
 18 by said court with all suitable powers for the handling and management
 19 of the juvenile matters of the court, including the fixing of bonds, the
 20 taking and hearing of evidence on or concerning any juvenile matters
 21 in litigation before the court, the enforcement of court rules and
 22 regulations, the making of reports to the court concerning his doings in
 23 the above premises, all of such matters, nevertheless, to be under final
 24 jurisdiction and decision of the judges of said court.

25 (d) For any and all the foregoing purposes, any probate
 26 commissioner and juvenile referee shall have the power to summon
 27 witnesses to testify before the said commissioner and juvenile referee,
 28 to administer oaths and take acknowledgments in connection with and
 29 in furtherance of said duties and powers."

30 Page 2, delete lines 15 through 20.

31 Page 3, delete lines 22 through 26.

32 Page 4, line 27, delete "superior" and insert "**circuit**".

33 Page 4, line 29, delete "IC 33-5-13.1-4.1, as added" and insert "**IC**
 34 **33-4-1-20, as amended**".

- 1 Page 4, line 42, delete "superior" and insert "**circuit**".
- 2 Page 5, line 1, delete "IC 33-5-38-33," and insert "**IC 33-4-1-64,**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 15 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Finance.

Committee Vote: Yeas 10, Nays 0.

Zakas

Acting Chairperson